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SONNENSCHEIN NANTH & ROSENTHAL P.O. BOX 061080 WACKER DRIVE STATION- SEARS TOWER CHICAGO, IL 60606-1080			SWICKHAMER, CHRISTOPHER M	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 16

Application Number: 09/462,342

Filing Date: January 07, 2000

Appellant(s): OBATA ET AL.

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Obata et al  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**

APR 15 2004

**Technology Center 2600**

This is in response to the appeal brief filed 02/02/04.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The amendment after final rejection filed on 02/02/04 has not been entered. The amendment does not simplify the issues for appeal.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the claims as listed by the appellant are not separately patentable.

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

Takabatake et al EP 0 835 037 A2, "Data transmitting node, and network inter-connection node suitable for home network environment," 08.04.1998

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-9 and 11-15 are rejected under 35 U.S.C. 102(b) over Takabatake et al (EP 0 835 037 A2, hereafter Takabatake).

**Detailed Claim Analysis:**

Referring to claim 1, Takabatake discloses an information transmitting apparatus (the entire system shown in Fig. 1) for use in a first network (Intra-Station ATM backbone network '110,' Fig. 1), designed to transmit information via a second network (Access ATM network, '111') to an information receiving apparatus (devices shown in the home network) incorporated in a third network (home network, Fig. 1), characterized by comprising band-receiving means for reserving a band on the second network (the cell switch router sets up a virtual connection to NIU '104' across the Access ATM network, col. 23, Ins. 19-34, col. 24, Ins. 20-36); generating means for generating a mapping table (Routing/ARP table) showing the address of the information receiving apparatus (Fig. 3, Fig. 7, col. 23, Ins. 19-34); transmitting means for transmitting information by referring to the mapping table (Routing/ARP table) generated by the generating means (Fig. 3 and 7, col. 23, Ins. 19-46); receiving means for video input

information (IP packets containing program guide corresponding to information on available video services, col. 20, Ins. 19-25, col. 22, Ins. 5-12, col. 31, Ins. 20-28) GUI-generating (browser-generating) means for generating a GUI (browser, col. 31, Ins. 20-28), synthesizing the GUI (browser) with the video information (combine IP packets containing program guide information on available video services at the browser to be shown to the user) received by the receiving means and outputting a combination of the GUI (browser) and the video information (output IP packets with program guide information on video services to the video terminal for user selection, col. 31, Ins. 20-28).

Referring to claim 2, Takabatake discloses an information transmitting apparatus according to claim 1, characterized in that the generating means generates a mapping table showing the physical address (channel number) of the first network, the next hop address (address) of the second network and the physical port (channel number) of the third network, which correspond to one another (Fig. 11, col. 26, Ins. 40-59).

Referring to claim 3, Takabatake discloses an information transmitting apparatus according to claim 2, characterized in that the first and third networks are IEEE 1394 serial-data bus networks (Fig. 33 and 42).

Referring to claim 5, Takabatake discloses a method of transmitting information in an apparatus (devices shown in Fig. 1) for use in a first network (IntraStation ATM Backbone network, Fig. 1, '110'), designed to transmit information via a second network (Access ATM network, '111') to an information receiving apparatus (devices shown in the home network, Fig. 1) incorporated in a third network (home network, Fig. 1),

characterized by comprising: a band-reserving step of reserving a band for the second network (access ATM Network, the cell switch router sets up a virtual circuit across the access ATM network, col. 23, Ins. 19-26); a generating step of generating a mapping table (Routing/ARP table) showing the address of the information-receiving apparatus (Fig. 3, col. 23, Ins. 19-26); a transmitting step of transmitting information by referring to the mapping table (Routing/ARP table) generated in the generating step (col. 23, Ins. 19-27); a receiving step of receiving video information input (IP packet with a program guide containing information on video services, col. 20, Ins. 19-25, col. 22, Ins. 7-13, col. 31, Ins. 20-28)) and a GUI-generating (browser generating) step of generating a browser GUI, synthesizing the GUI (browser) with the video information (combine received IP packets containing program guide to be displayed) and outputting a combination of the GUI (browser) and the video information (output the IP packets containing the program guide to the video terminal for user selection, col. 31, Ins. 15-35).

Referring to claim 6, Takabatake discloses a recording medium recording a program for use in a first network (IntraStation ATM Backbone network), designed to perform a process of transmitting information via a second network (Access ATM network) to an information receiving apparatus incorporated in a third network (home network, Fig. 1), characterized in that said program can be executed by a computer and includes: a band-reserving step of reserving a band for the second network (Access ATM Network, the system sets up a virtual connection across the Access ATM Network, col. 23, Ins. 19-46, col. 24, Ins. 20-36); a generating step of generating a mapping table

(Routing/ARP table) showing the address of the information receiving apparatus (Fig. 3, col. 23, Ins. 19-26); a transmitting step of transmitting information by referring to the mapping table (Routing/ARP table) generated in the generating step (col. 23, Ins. 19-26); a receiving step of receiving video information input (receive IP packet with program guide information on available video services, col. 20, Ins. 19-25, col. 22, Ins. 7-12, col. 31, Ins. 20-28); and a GUI-generating (browser) step of generating a GUI (browser) synthesizing the GUI (browser) with the received video information (combine IP packets containing program guide information with the browser), outputting a combination of the GUI (browser) and video information (display program guide contained in the IP packets at the terminal using the browser, col. 31, Ins. 15-35).

Referring to claim 7, Takabatake discloses a information receiving apparatus (system shown in Fig. 1) for use in a first network (IntraStation ATM Backbone network), designed to receive information via a second network (Access ATM network) from an information transmitting apparatus (devices shown in home network, Fig. 1) incorporated in a third network (home network, Fig. 1), characterized by comprising generating means for generating a mapping table (Routing/ARP table) showing the address of the information transmitting apparatus (determine the address of the devices shown in the home network, Fig. 3, col. 23, Ins. 19-26); and transfer means for transferring information (program guide information in IP packets) by referring to the mapping table (Routing/ARP table) generated by the generating means (col. 22, Ins. 7-20, col. 23, Ins. 19-26), the information comprising a GUI (browser) generated by the information transmitting apparatus (devices in the home network) synthesized with

video information (IP packets containing program guide) received by the information transmitting apparatus (the video terminal displays information from received IP packets containing the program guide, col. 31, Ins. 15-35).

Referring to claim 8, Takabatake discloses an information receiving apparatus according to claim 7, characterized in that the generating means generates a Routing/ARP table (mapping table) showing the destination address (channel number) of the first network, the next hop address (address) of the second network and the datalink address (port number) of the third network, which correspond to one another (Fig. 3).

Referring to claim 9, Takabatake discloses an information receiving apparatus according to claim 8, characterized in that the first and third networks are IEEE 1394 serial-data bus networks (Fig. 33 and 42).

Referring to claim 11, Takabatake discloses a method of receiving information in an information receiving apparatus used in a first network (IntraStation ATM Backbone network), designed to receive information via a second network (Access ATM network) from a information transmitting apparatus (devices in the home network) incorporated in a third network (home network, Fig. 1), characterized by comprising; a generating step of generating a mapping table (Routing/ARP table) showing the address of the information transmitting apparatus (devices in the home network, Fig. 3, col. 23, Ins. 50-col. 24, Ins. 30); and a step of transferring information by referring to the mapping table (Routing/ARP table) generated in the generating step (col. 23, Ins. 19-26), the information comprising a GUI (browser) generated by the information transmitting

apparatus (create the browser in the home network) synthesized with video information (IP packets with program guide information corresponding to video services, col. 20, Ins. 19-25, col. 2, Ins. 7-12) received by the information transmitting apparatus (the system displays the browser and the received program guide, col. 31, Ins. 15-35).

Referring to claim 12, Takabatake discloses a recording medium recording a program for use in a first network (IntraStation ATM Backbone network), designed to perform a process of receiving information via a second network (Access ATM network) from an information transmitting apparatus (devices shown within the home network) incorporated in a third network (home network, Fig. 1), characterized in that said program can be executed by a computer and includes: a generating step of generating a mapping table (Routing/ARP table) showing the address of the information transmitting apparatus (col. 23, Ins. 19-26); and a step of transferring information by referring to the mapping table (Routing/ARP table) generated in the generating step (col. 23, Ins. 19-46), the information comprising a GUI (browser) generated by the information transmitting apparatus synthesized with video information (IP packets containing program guide) received by the information transmitting apparatus (col. 31, Ins. 15-35).

Referring to claim 13, Takabatake discloses an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks (system show in Fig. 1), characterized by comprising: reserving means for reserving bands for the networks (the system sets up a virtual connection across the Access ATM network to the video terminal, col. 22, Ins. 5-20, col. 23, Ins. 19-26); generating means

for generating a mapping table (Routing/ARP table) showing the address of a destination (devices on the home network, Fig. 3); communicating means for communicating information by referring to the mapping table (Routing/ARP table) generated by the generating means (Fig. 3, col. 32, Ins. 4-15); receiving means for receiving video information input (IP packets with program guide); and GUI-generating (browser-generating) means for generating a GUI (browser), synthesizing the GUI (browser) with the video information (IP packets with program guide on available video resources) received by the receiving means and outputting a combination of the GUI (browser) and video information (the IP packets with the program guide are displayed at the video terminal, col. 31, Ins. 15-35).

Referring to claim 14, Takabatake discloses a method of transmitting and receiving information in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks (devices shown in Fig. 1), characterized by comprising: a reserving step of reserving bands for the networks (col. 23, Ins. 19-46, the cell switch router and the NIU setup a virtual connection); a generating step of generating a mapping table (Routing/ARP table) showing the address of a destination (video terminal, Fig. 3, col. 23, Ins. 19-26, col. 24, Ins. 20-36); a communicating step of communicating information by referring to the mapping table (Routing/ARP table) generated in the generating step (col. 23, Ins. 19-46); a receiving step of receiving video information input (IP packets with program guide); and a GUI-generating (browser-generating) step of generating a GUI (browser), synthesizing the GUI (browser) with the video information (IP packets containing the program guide)

received in the receiving step and outputting a combination of the GUI (browser) and the video information (the IP packets containing the program guide are combined with the browser and output to the user to select a video service, col. 31, Ins. 15-35).

Referring to claim 15, Takabatake discloses a recording medium recording a program for use in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks (devices shown in Fig. 1), characterized in that said program can be executed by a computer and includes: a reserving step of reserving bands for the networks (the cell switch router and the NIU setup a virtual connection to the destination video terminal, col. 23, Ins. 10-45); a generating step of generating a mapping table (Routing/ARP table) showing the address of a destination (col. 23, Ins. 19-26, Fig. 3); a communicating step of communicating information by referring to the mapping table (Routing/ARP table) generated by the generating means (Fig. 3 and 7, col. 23, Ins. 19-26, col. 24, Ins. 20-36); a receiving step of receiving video information input (IP packets with program guide); and a GUI-generating (browser-generating) step of generating a GUI (browser), synthesizing the GUI (browser) with the video information (IP packets containing program guide) received in the receiving step and outputting a combination of the GUI (browser) and the video information (the IP packets containing the program guide are combined with the browser and output to the user to select video services, col. 31, Ins. 15-35).

**(11) Response to Argument**

On page 9, Ins. 1-3, ln. 8 and Ins. 16-20, the Appellant argues that Takabatake fails to disclose receiving video information input. The argument also states that a program guide is not video information, and alleges that the Examiner believes that the program guide of Takabatake is video. The Examiner respectfully disagrees. On Ins. 6-7, claim 1 states the apparatus has "receiving means for receiving video information input." The claim does not state the features that embody what function the video information input performs. Appellant alleges that the video information is video as disclosed by the specification (pg. 9, Ins. 8-9); however, claim 1 only states that the apparatus receives video information input. The Examiner believes that video information can imply that the received video information is information about video services, rather than solely being video. The argument presented by the Appellant requires the Examiner to read limitations from the specification into the claims. In reference to the rejection over Takabatake, Takabatake discloses sending a program guide in IP packets to a home network (Fig. 1, col. 20, Ins. 10-25, col. 22, Ins. 7-20, col. 22, Ins. 36-40, col. 31, Ins. 20-28). The program guide contains information on video services available in a video server (Fig. 1, '101'). The Examiner believes that since the program guide contains information on video services, it meets the claimed limitation of being video information. The present claims do not specifically state that video information received has to be video as alleged by the appellant. If that is the desired interpretation, that information should have been placed in the claim. Therefore, the Examiner believes that Takabatake does disclose sending video information in the program guide.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., video information is video, pg. 9, Ins. 8-9) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 10, Ins. 24-25, the Appellant argues that Takabatake fails to disclose synthesizing a graphical user interface (GUI) with received video information. The Examiner respectfully disagrees. Takabatake discloses receiving a program guide in IP packets and displaying the program guide on the video terminal (Fig. 1, col. 22, Ins. 7-12, col. 31, Ins. 20-28). The Examiner believes that the program guide transmitted in the IP packets is video information. A browser is a type of GUI. When the packets are received, the processor in the system at the home network inherently synthesizes the received program guide with the browser prior to display to the user. The synthesized data is then output to the screen so that the user can select from the video information about available video services. Therefore, the Examiner believes that Takabatake does disclose synthesizing the GUI with received video information.

On page 12, Ins. 16-18, Appellant argues that Takabatake fails to disclose outputting a combination of a GUI and a received video information. The Examiner respectfully disagrees. Takabatake teaches that after the home network has received the IP packets containing the program guide, the system uses a browser at a video terminal to display the program guide (col. 22, Ins. 7-12, col. 31, Ins. 20-28). This

implies that the combination of the program guide (video information) and the browser (GUI) are output to the video terminal. Therefore, the Examiner believes that Takabatake does disclose outputting the combination of the GUI and a received video information.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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April 6, 2004

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